

ESTTA Tracking number: **ESTTA671296**

Filing date: **05/08/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91199169
Applicant	Plaintiff Boston Red Sox Baseball Club Limited Partnership
Other Party	Defendant Rensselaer Polytechnic Institute
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

## Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 06/15/2015. Boston Red Sox Baseball Club Limited Partnership requests that such date be extended for 90 days, or until 09/13/2015, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	08/14/2015
Discovery Closes :	09/13/2015
Plaintiff's Pretrial Disclosures :	10/28/2015
Plaintiff's 30-day Trial Period Ends :	12/12/2015
Defendant's Pretrial Disclosures :	12/27/2015
Defendant's 30-day Trial Period Ends :	02/10/2016
Plaintiff's Rebuttal Disclosures :	02/25/2016
Plaintiff's 15-day Rebuttal Period Ends :	03/26/2016

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Significant progress has been made towards settlement of this matter. Since the institution of the proceedings, the parties have had verbal and written settlement negotiations, as well as prepared and exchanged multiple drafts of a settlement agreement. Specifically, since the parties last sought an extension, Applicant's counsel conferred with Applicant regarding additional information Opposer had requested in order to further consider the latest draft of the agreement. Applicant's counsel obtained the information from Applicant, and then sent such information to Opposer's in-house counsel for consideration. Opposer's in-house counsel considered the information, discussed such information internally, and revised the draft agreement based on such information. Thereafter, Opposer's in-house counsel relayed a revised agreement to Applicant's counsel for consideration. Additionally, the parties note that their counsel communic-*

*ated with regard to this matter on February 20th, March 12th, April 8th, April 13th, April 30th, and May 7th. The additional time is requested for Applicant to consider the latest draft of the agreement, and for the parties to continue to work towards settlement of this matter. The parties also note that the agreement being considered is two parts. The parties have agreed to all of the terms in the first part of the agreement. There are only a few open issues in the second part of the agreement that relate to the use of the parties' respective marks. The parties strongly believe that they are close to settlement. If the latest draft of the agreement is accepted by both parties, there will be no need to proceed with the Opposition. Additionally, the parties note that they are engaged in the discovery process. Applicant served its written requests on Opposer. Opposer needs additional time to respond to discovery, as well as to complete discovery. The parties therefore request the extension in order to allow time to complete the discovery process and to work towards settlement. Additionally, the parties request that the proceedings be suspended pending disposition of this motion.*

Boston Red Sox Baseball Club Limited Partnership has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Boston Red Sox Baseball Club Limited Partnership has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

/Aryn M. Emert/

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